

AMENDED IN SENATE JUNE 14, 2006

AMENDED IN ASSEMBLY MAY 25, 2006

AMENDED IN ASSEMBLY MAY 1, 2006

AMENDED IN ASSEMBLY MARCH 15, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1953

Introduced by Assembly Member Chan
(Coauthors: Assembly Members Koretz and Lieber)
(Coauthor: Senator Kuehl)

February 2, 2006

An act to amend, repeal, and add Section 116875 of the Health and Safety Code, relating to lead plumbing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1953, as amended, Chan. Lead plumbing.

Existing law prohibits the use of any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption, except as specified.

Existing law prohibits the introduction into commerce of any pipe, pipe or plumbing fitting, or fixture that is not lead free, except for a pipe that is used in manufacturing or industrial processing.

This bill would, commencing on January 1, 2010, revise this prohibition to apply to any pipe or plumbing fitting, or fixture intended for use in California, and would exclude industrial or other uses where the water is not intended for human consumption.

Existing law defines lead free as not more than 8% lead when used with respect to pipes and fittings and not more than 4% by dry weight with respect to plumbing fittings and fixtures.

This bill would, commencing on ~~July 1, 2008~~ *January 1, 2010*, revise the term lead free to refer not to the lead content of pipes and pipe fittings, plumbing fittings, and fixtures but to refer to a weighted average lead content of the wetted surface area of the pipes, fittings, and fixtures of not more than 0.25%, to be determined pursuant to a prescribed formula.

Existing law requires the State Department of Health Services to adopt building standards to implement the above prohibitions. Appropriate state and local building and health officials are required to enforce these standards.

By increasing the duties of local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 116875 of the Health and Safety Code
- 2 is amended to read:
- 3 116875. (a) No person shall use any pipe, pipe or plumbing
- 4 fitting or fixture, solder, or flux that is not lead free in the
- 5 installation or repair of any public water system or any plumbing
- 6 in a facility providing water for human consumption, except
- 7 when necessary for the repair of leaded joints of cast iron pipes.
- 8 (b) No person shall introduce into commerce any pipe, pipe or
- 9 plumbing fitting, or fixture, that is not lead free, except for a pipe
- 10 that is used in manufacturing or industrial processing.

1 (c) No person engaged in the business of selling plumbing
2 supplies, except manufacturers, shall sell solder or flux that is not
3 lead free.

4 (d) No person shall introduce into commerce any solder or
5 flux that is not lead free unless the solder or flux bears a
6 prominent label stating that it is illegal to use the solder or flux in
7 the installation or repair of any plumbing providing water for
8 human consumption.

9 (e) For the purposes of this section, "lead free" means not
10 more than 0.2 percent lead when used with respect to solder and
11 flux and not more than 8 percent when used with respect to pipes
12 and pipe fittings. With respect to plumbing fittings and fixtures,
13 "lead free" means not more than 4 percent by dry weight after
14 August 6, 2002, unless the department has adopted a standard,
15 based on health effects, for the leaching of lead.

16 (f) This section shall remain in effect only until ~~July 1, 2008~~
17 *January 1, 2010*, and as of that date is repealed, unless a later
18 enacted statute, that is enacted before ~~July 1, 2008~~ *January 1,*
19 *2010*, deletes or extends that date.

20 SEC. 2. Section 116875 is added to the Health and Safety
21 Code, to read:

22 116875. (a) No person shall use any pipe, pipe or plumbing
23 fitting or fixture, solder, or flux that is not lead free in the
24 installation or repair of any public water system or any plumbing
25 in a facility providing water for human consumption, except
26 when necessary for the repair of leaded joints of cast iron pipes.

27 (b) *(1) No person shall introduce into commerce, for use in*
28 *California, any pipe, pipe or plumbing fitting, or fixture, that is*
29 *not lead free, except for a pipe that is used in manufacturing or*
30 *industrial processing. plumbing fitting, or fixture intended to*
31 *convey or dispense water for human consumption through*
32 *drinking or cooking that is not lead free, as defined in*
33 *subdivision (e). This includes kitchen faucets, bathroom faucets,*
34 *and any other end-use devices intended to convey or dispense*
35 *water for human consumption through drinking or cooking.*

36 *(2) Pipes, pipe or plumbing fittings, or fixtures that are used in*
37 *manufacturing, industrial processing, for irrigation purposes,*
38 *and any other uses where the water is not intended for human*
39 *consumption through drinking or cooking are not subject to the*
40 *requirements of paragraph (1).*

1 (c) No person engaged in the business of selling plumbing
2 supplies, except manufacturers, shall sell solder or flux that is not
3 lead free.

4 (d) No person shall introduce into commerce any solder or
5 flux that is not lead free unless the solder or flux bears a
6 prominent label stating that it is illegal to use the solder or flux in
7 the installation or repair of any plumbing providing water for
8 human consumption.

9 (e) For the purposes of this section, “lead free” means not
10 more than 0.2 percent lead when used with respect to solder and
11 flux and not more than a weighted average of 0.25 percent when
12 used with respect to the wetted surfaces of pipes and pipe
13 fittings, plumbing fittings, and fixtures. The weighted average
14 lead content of a pipe and pipe fitting, plumbing fitting, and
15 fixture shall be calculated by using the following formula: The
16 percentage of lead content within each component that comes
17 into contact with water shall be multiplied by the percent of the
18 total wetted surface of the entire pipe and pipe fitting, plumbing
19 fitting, or fixture represented in each component containing lead.
20 These percentages shall be added and the sum shall constitute the
21 weighted average lead content of the pipe and pipe fitting,
22 plumbing fitting, or fixture.

23 (f) This section shall become operative on ~~July 1, 2008~~
24 *January 1, 2010*.

25 SEC. 3. If the Commission on State Mandates determines that
26 this act contains costs mandated by the state, reimbursement to
27 local agencies and school districts for those costs shall be made
28 pursuant to Part 7 (commencing with Section 17500) of Division
29 4 of Title 2 of the Government Code.